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December 12, 2024

VIA ECF

Honorable J. Brendan Day, U.S.M.J.
United States District Court for the District of New Jersey
Clarkson S. Fisher Building & U.S. Courthouse
402 East State Street
Trenton, New Jersey 08608

**So Ordered this
13th Day of December, 2024.**

J. BRENDAN DAY
UNITED STATES MAGISTRATE JUDGE

Re: Luciano v. TIAA, et al., No.: 3:15-cv-06726-RAK (D.N.J.)

Dear Judge Day:

The undersigned is counsel for Plaintiff in the above-captioned litigation. As the Court is aware, on July 11, 2024, the parties attended a telephone status conference with Your Honor. During that conference, the parties discussed scheduling issues, including the remaining pre-certification discovery, class certification briefing, and pre-certification merits briefing. Ultimately, the Court determined that pre-certification motion practice would be submitted before class certification briefing, ordered that pre-certification merits motions be filed by October 31, 2024, and directed the parties to submit a proposed schedule for class certification briefing. See ECF No. 225. The parties conferred and submitted a proposed schedule, which was entered by the Court on September 23, 2024. See ECF No. 231. Pursuant to that order, TIAA was to produce additional C&B Data by October 21, 2024 and Plaintiff was to inform TIAA as to the sufficiency of that data by December 5, 2024. *Id.* If Plaintiff disputed the sufficiency of TIAA's C&B Data production, all certification briefing deadlines would be stayed while the parties met and conferred regarding same, with the parties submitting a joint dispute letter by December 19, 2024. On December 4, 2024, Plaintiff notified TIAA that it disputed the sufficiency of TIAA's data.

Plaintiff writes to request that the Court stay the deadline for TIAA and Plaintiff to meet and confer and submit a joint dispute letter regarding class certification issues until February 13, 2025 (after the pending dispositive motions are fully briefed). The primary basis for this request is that due to Plaintiff consenting to ETS's several adjournment requests for defendants to file their dispositive motions (see ECF Nos. 232, 234), Defendants did not serve their dispositive motions until November 26, 2024. In light of the upcoming holidays, the amount of work necessary to respond to these motions, and other professional and personal obligations, Plaintiff is unable to work through the remaining class certification discovery issues with her experts and TIAA while also responding to the two pending motions.

TIAA has advised that it does not oppose this request.

If the foregoing is acceptable to the Court, Plaintiff requests that Your Honor “So Order” this correspondence and enter it on the docket.

Respectfully submitted,

/s/ Matthew F. Gately

Matthew F. Gately

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